

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA

v.

CRIMINAL NO.: 2:22cr147

KYRON SPELLER

Defendant.

**DEFENDANT SPELLER'S
TRIAL BRIEF**

NOW COMES the Defendant, **KYRON SPELLER**, by counsel, pursuant to the Court's Scheduling Order and hereby submits his trial brief.

View of the Case

Defendant Speller is one of ten (10) people charged in a eighteen-count Superseding Indictment charging him with Drug Trafficking Conspiracy, in violation of 21 U.S.C. §§ 846, 21 U.S.C. §841; Possession with Intent to Distribute Marijuana 21 USC §§841; Possession with Intent to Distribute Psilocybin 21 USC §§841; and Possession of a Firearm in Furtherance in a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c). The Defendant is being tried with his co-defendants; Courtney Conley, Javaid Akhtar Reed, and Terrance Spencer Alexander. It's the Defendant's position that the evidence against him is insufficient to prove beyond a reasonable doubt that he is guilty of the charges.

Elements of the Offense

The Defendant is charged with four counts in a Superseding Indictment alleging Drug Trafficking Conspiracy, in violation of 21 U.S.C. §§ 846, 21 U.S.C. §841; Possession with Intent to Distribute Marijuana 21 USC §§841; Possession with Intent to Distribute Psilocybin 21 USC §§841; and Possession of a Firearm in Furtherance in a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c).

Count 1: Drug Trafficking Conspiracy

Title 21, United States Code, Section 846, makes it a crime for anyone to conspire with someone else to commit a violation of certain controlled substance laws of the United States. In this case, the defendants are charged with conspiring to commit one or more of the following offenses against the United States:

1. To knowingly and intentionally distribute and possess with intent to distribute marijuana;
2. To knowingly and intentionally distribute and possess with intent to distribute psilocybin;

Counts 13 and 14: Possession with Intent to Distribute Controlled Substances

In order to sustain its burden of proof for the crime of distribution or possession with intent to distribute a controlled substance as charged in the superseding indictment, the government must prove the following two (2) essential elements beyond a reasonable doubt:

One: That the defendant knowingly and intentionally possessed with intent to

distribute the controlled substance described in counts thirteen and fourteen of the superseding indictment; and

Two: That at the time of such possession with intent to distribute, the defendant knew that the substance in question was a controlled substance.

Count 15: Possession of a Firearm in Furtherance of Drug Trafficking

In order to convict the Defendant under 18 U.S.C. § 924(c)(1)(A), the United States must prove the following:

- (1) That the defendant committed the crime of Conspiring to Distribute Marijuana and Psilocybin as alleged in Count One; and
- (2) That the defendant knowingly possessed a firearm and that possession was in furtherance of the defendant's commission of the Conspiracy to Distribute Marijuana and Psilocybin as alleged in Count One.

Unusual Evidentiary Issues

Defendant Speller is not aware of any unusual evidentiary issues in this case. The United States will have the burden of proving beyond a reasonable doubt that the substances which were allegedly possessed and distributed by the Defendant are controlled substances as defined by federal law.

Counsel for Speller has outstanding discovery that was made available for pickup on September 5, 2023. Counsel is currently unaware of the exact contents of the discovery items and thus may have some outstanding evidentiary issues. Likewise, Defendant has

not yet received the Government's Brady/Gigilo cooperation, immunity and leniency disclosures as well as Jencks Act disclosures.

Conclusion

WHEREFORE, Defendant submits this trial brief to assist the Court in conducting the jury trial of this case currently scheduled to begin on September 19, 2023.

Respectfully, KYRON SPELLER

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of September, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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